

# EXHIBIT “E”

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IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 NORTHERN DIVISION  
 CIVIL ACTION FILE NO. 2:05CV527-F

GERALD RUHNOW and  
 CONNIE RUHNOW,

Plaintiffs,

vs.

LANE HEARD TRUCKING, LLC, et al,

Defendants

DEPOSITION OF: ARNOLD G. RICHARDSON

TAKEN AT THE INSTANCE: Defendant Lane Heard Trucking

DATE: Thursday, April 13, 2006

TIME: Commenced at 11:06 a.m.  
 Concluded at 11:52 a.m.

LOCATION: 225 North Broad Street  
 Thomasville, Georgia

REPORTED BY: LORI DEZELL  
 Registered Professional Reporter  
 Georgia Certified Court Reporter

VIDEOTAPED BY: BARBARA GRAVES

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(Exhibits attached hereto.)

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**APPEARANCES:**

REPRESENTING PLAINTIFF RUHNOW:  
 J. CALLEN SPARROW, ESQUIRE (BY TELEPHONE)  
 HENINGER GARRISON DAVIS, LLC  
 2224 First Avenue North  
 Birmingham, Alabama 35203  
 205-326-3336  
 REPRESENTING PLAINTIFF NORTHLAND INSURANCE:  
 RANDOLPH GILLUM, ESQUIRE (BY TELEPHONE)  
 ROGERS & ASSOCIATES  
 3000 Riverchase Galleria, Suite 650  
 Birmingham, Alabama 35244  
 205-982-4558  
 REPRESENTING DEFENDANT LANE HEARD TRUCKING:  
 KATIE L. HAMMETT, ESQUIRE  
 HAND ARENDALL, L.L.C.  
 107 Saint Francis Street, Suite 2600  
 Mobile, Alabama 36602  
 251-432-5511  
 REPRESENTING DEFENDANT CHRISTY CHAMPION:  
 RICHARD BRETT GARRETT, ESQUIRE (BY TELEPHONE)  
 RUSHTON, STAKELY, JOHNSTON & GARRETT, P.A.  
 184 Commerce Street  
 Montgomery, Alabama 36104  
 334-206-3100  
 REPRESENTING DEFENDANT ADKINS:  
 JEFFREY G. HUNTER, ESQUIRE (BY TELEPHONE)  
 NIX, HOLTSFORD, GILLILAND, HIGGINS & HITSON  
 4001 Carmichael Road, Suite 300  
 Montgomery, Alabama 36106  
 334-215-8585

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**STIPULATIONS**

1  
 2 The following deposition of ARNOLD G. RICHARDSON  
 3 was taken on oral examination, pursuant to notice, for  
 4 purposes of discovery under the Georgia Civil Practice Act,  
 5 as well as for all lawful purposes under the laws of the  
 6 State of Georgia. All formalities are waived. All  
 7 objections are reserved until such time as the deposition  
 8 is used, except as to the form of the question and the  
 9 responsiveness of the answer.

10 Reading and signing by the witness are waived.

\*\*\*

12 THE VIDEOGRAPHER: We're on the record. This is  
 13 the videotaped deposition of Gene Richardson being  
 14 held at 225 North Broad Street, in Thomasville,  
 15 Georgia, on Thursday, April 13th, 2006. The time is  
 16 11:06 a.m.

17 We're here in the matter of Ruhnow versus Lane  
 18 Heard Trucking being heard in the United States  
 19 District Court for the Middle District of Alabama,  
 20 Northern Division, Case No. 205-CV-527-F.

21 My name is Barbara Graves; the court reporter is  
 22 Lori Dezell with Accurate Stenotype Reporters.

23 Counsel, please introduce yourselves and the  
 24 witness will be sworn.

25 MR. SPARROW: Callen Sparrow on behalf of the

1 (Pages 1 to 4)

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<p>1 truck driver which you -- which appeared to be his trying  2 to avoid the motorcycle?  3 MS. HAMMETT: I'm going to object to the form.  4 This is Katie.  5 <b>Q You can answer.</b>  6 MS. HAMMETT: Yeah, you can answer.  7 A No. Again, I was about a quarter of a mile or so  8 down the road and I couldn't tell that he did, except that  9 he did immediately start heading towards the left side of  10 the road. But I think in my opinion that it was at the  11 time or right after he hit the motorcycle.  12 <b>Q Right. You saw what appeared to be sparks and</b>  13 <b>then immediately he started heading left?</b>  14 A Yes.  15 MS. HAMMETT: Object to the form.  16 <b>Q Do you have any idea how fast he was going, a</b>  17 <b>judgment as to the speed of that truck?</b>  18 A No. I was far enough away that I have -- there's  19 just no way I could judge how fast he was going.  20 <b>Q Where were you -- you mentioned two figures. I'm</b>  21 <b>going to call them people. Where were they when you saw</b>  22 <b>them in your peripheral vision?</b>  23 A Probably ten feet from the motorcycle towards the  24 side of the road.  25 <b>Q Were they out of the highway, were they still in</b></p>	<p>1 were no cars close to you, in front of you?  2 A That's correct.  3 <b>Q Have you spoken at any time since this wreck with</b>  4 <b>anyone other than the police officer, investigating trooper</b>  5 <b>who was a witness to the wreck?</b>  6 A No, not that was a witness, no, I haven't.  7 <b>Q All right. Who have you talked to other than the</b>  8 <b>police officer about this wreck?</b>  9 THE WITNESS: Was it your office, Katie?  10 MS. HAMMETT: Yeah. I've spoken with him.  11 A Okay. Yeah. And she has spoken with me.  12 <b>Q Talked to any other lawyers?</b>  13 A There was a lawyer that called me and I -- and  14 took a recorded message and sent me an interpretation of  15 that and asked me to correct it or approve it and send it  16 back.  17 <b>Q All right. Are you familiar or -- on the night</b>  18 <b>of this wreck, were you familiar with this area of 231? Is</b>  19 <b>that a road that you travel often?</b>  20 A No, I had never been there -- well, I think I  21 have traveled through that area before, a time or two,  22 but -- in the last several years, but I was not familiar  23 with the road.  24 <b>Q And I know you testified that you had not</b>  25 <b>realized that another truck was involved in the northbound</b></p>
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<p>1 the travel portion of the highway?  2 A It looked like they were right at the edge of it  3 heading towards the side of the road. Probably just barely  4 in the road or about this time at the edge of the road.  5 <b>Q All right. And since you've described it as two</b>  6 <b>figures in your peripheral vision, I assume you don't have</b>  7 <b>any greater detail as to who those people were or what they</b>  8 <b>were wearing, et cetera?</b>  9 A No, none whatsoever.  10 <b>Q Did you see a car right around there,</b>  11 <b>Mr. Richardson?</b>  12 A No, I didn't.  13 <b>Q Did you notice one in your rear view mirror?</b>  14 A No, sir, I didn't.  15 <b>Q As you looked in your rear view mirror, did</b>  16 <b>you -- were you able to see the people on the side of the</b>  17 <b>road?</b>  18 A No. I didn't look in the rear view mirror until  19 I was probably part of the distance down the road and then  20 glanced up and saw the lights coming. At this point I was  21 probably at -- a few hundred yards down the road.  22 <b>Q Had that motorcycle -- or had you recently been</b>  23 <b>passed by a motorcycle on 231 prior to this wreck?</b>  24 A No, I had not seen any motorcycle before that.  25 <b>Q As I understood your earlier testimony, there</b></p>	<p>1 lane, correct?  2 A That's correct.  3 <b>Q Because your attention was in your rear view</b>  4 <b>mirror at that point and you didn't see that truck</b>  5 <b>approach, right?</b>  6 A That's correct.  7 <b>Q As you approached what we now know was the area</b>  8 <b>where that motorcycle was, was there traffic coming towards</b>  9 <b>you in the northbound lane?</b>  10 A No. At that moment I saw no traffic over there.  11 <b>Q You were kind of by yourself out there at that</b>  12 <b>moment?</b>  13 A Yes.  14 <b>Q And didn't see a car?</b>  15 A No, sir, I didn't.  16 <b>Q All right. What -- Mr. Richardson, what</b>  17 <b>posture -- I'm not sure how to say this -- how was the</b>  18 <b>motorcycle lying in the road? Was it -- were the two</b>  19 <b>wheels towards the center line or was it perpendicular to</b>  20 <b>the center line or what?</b>  21 A As near as I could tell, I think the wheels were  22 toward the side of the road and I think it was probably at  23 an angle in the road. I don't think it was, you know,  24 directly towards the side. But it was just in the road and  25 looked like it was with the wheels more or less towards the</p>

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<p>1 motorcycle in the road, you had not been passed by a  2 motorcycle headed down Highway 231; is that right?  3 A That's correct.  4 Q Okay.  5 MR. HUNTER: Mr. Richardson, thank you. That's  6 all I have.  7 MS. HAMMETT: This is Katie. I'm going to do a  8 few clean-up questions.  9 MR. MANAUSA: I don't think I have anything else.  10 MS. HAMMETT: This is -- are you-all there? Can  11 you hear me? This is Katie.  12 MR. SPARROW: Yes.  13 MS. HAMMETT: Ok. I've got a few follow-up  14 questions.  15 MR. SPARROW: Okay.  16 REDIRECT EXAMINATION  17 BY MS. HAMMETT:  18 Q Mr. Richardson, where in Troy, Alabama had you  19 gotten on Highway 231?  20 A At the funeral home which was -- I'm not sure  21 where it is. I'm not that familiar with Troy, but it was  22 kind of in town.  23 Q How far had you been traveling on Highway 231  24 before you approached the motorcycle?  25 A I'm not sure how far. If you're familiar with it</p>	<p>1 investigation, is one of the pages.  2 I'm going to give -- we'll mark this as Exhibit 1.  3 (Exhibit No. 1 was marked for identification.)  4 A Okay.  5 BY MS. HAMMETT:  6 Q Does that look familiar to you? Have you ever  7 seen that before?  8 A Yes, I wrote this.  9 Q And that's your signature at the bottom?  10 A Yes, it is.  11 Q And do you see whose name that you gave this  12 statement to?  13 A Trooper Kevin D. Cook.  14 Q Does that refresh your recollection now as to who  15 you spoke with?  16 A I'm sure that was him but --  17 Q Okay. Can I ask you just to read over this and  18 see if this is still what you remember and if those were  19 your -- did you actually physically write that statement  20 yourself?  21 A I physically wrote this myself.  22 Q So that was your contemporaneous understanding of  23 what happened and how this accident occurred?  24 A Yes.  25 Q Okay. And if you want to take a minute and look</p>
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<p>1 and you know where the Wal-Mart is, it looks to me when we  2 went back that we had passed the Wal-Mart approximately two  3 miles.  4 Q You testified earlier that you gave a recorded  5 statement to someone, either an attorney or someone from an  6 attorney's office?  7 A Yes.  8 Q And -- and you said a couple of times that you  9 received something back that was his interpretation?  10 A Right.  11 Q Were those -- whatever it was that you received,  12 which we don't have in front of us today, were those your  13 words?  14 A More or less, although he took some liberties  15 with them and I made some minor corrections.  16 Q You also testified earlier that you gave a  17 statement to a state trooper after this happened; is that  18 correct?  19 A Yes, uh-huh.  20 Q I'm going to show you -- which we'll mark as  21 Exhibit 1, guys -- what says at the top, "Alabama  22 Department of Public Safety, Highway Patrol Division."  23 MS. HAMMETT: This is -- for everyone on the  24 phone, this is part -- this is what appears to be his  25 statement that is part of the traffic homicide</p>	<p>1 at it, I just want to ask you if you still agree with your  2 statement.  3 A (Examining document.)  4 MR. GARRETT: While he's reading that, I'm sorry,  5 he kind of blanked out on me again. This is Brett.  6 MS. HAMMETT: Sure.  7 MR. GARRETT: What was the -- who was the officer  8 on that?  9 MS. HAMMETT: Kevin Cook.  10 MR. GARRETT: Okay.  11 BY MS. HAMMETT:  12 Q Do you still agree with every -- with your  13 statement you made to the trooper?  14 A Yes, I do.  15 MS. HAMMETT: We'll mark that as Exhibit 1.  16 I think that's all I have, guys. Anybody have  17 anything else?  18 MR. SPARROW: Hold on one second. This is  19 Callen.  20 MS. HAMMETT: Okay.  21 RECROSS EXAMINATION  22 BY MR. SPARROW:  23 Q Mr. Richardson --  24 A Yes.  25 Q -- in looking at your statement which has now</p>

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<p>1 been made an exhibit to your deposition, it says you were</p> <p>2 in the right-hand lane. You were in the left-hand lane</p> <p>3 though really, weren't you?</p> <p>4 A Yes, that's correct. I -- I skipped over that</p> <p>5 when I just reread it. But that is correct, that was -- I</p> <p>6 put that down incorrectly.</p> <p>7 Q Okay. I mean, I understand that you earlier had</p> <p>8 been in the right-hand lane but you testified you were in</p> <p>9 the left-hand lane for about a half a mile before you got</p> <p>10 to the motorcycle; right?</p> <p>11 A Yes, that's correct.</p> <p>12 Q And also -- and I don't want to beat a dead</p> <p>13 horse -- but in this statement you say you saw it ten feet</p> <p>14 before you got to it. We kind of walked around that and</p> <p>15 you now -- you now feel like it was probably closer to 20</p> <p>16 to 30 feet?</p> <p>17 A At the very most. I know it was very, very</p> <p>18 quickly that I saw it and I was past it. And I know that</p> <p>19 if I had been in the right lane, there is no way I could</p> <p>20 have avoided hitting it at still pretty high speeds of</p> <p>21 rate. I would not have been able --</p> <p>22 Q And finally -- and again, nobody -- I understand</p> <p>23 you weren't out there with a tape measure -- but this</p> <p>24 statement says the truck was about 100 yards behind you.</p> <p>25 And we now have discussed on numerous occasions that you</p>	<p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA )</p> <p>4 COUNTY LEON )</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 I, the undersigned authority, certify that said</p> <p>11 designated witness personally appeared before me and was</p> <p>12 duly sworn.</p> <p>13</p> <p>14 WITNESS my hand and official seal this 19th day</p> <p>15 of April, 2006.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 LORI DEZELL, RPR, CCR</p> <p>22 1-800-934-9090</p> <p>23 850-878-2221</p> <p>24 Georgia Certification B-1013</p> <p>25</p>
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<p>1 were a full quarter of a mile down the road before that</p> <p>2 impact occurred, right?</p> <p>3 A Yes, that's correct.</p> <p>4 MR. SPARROW: Okay. That's all. I just wanted</p> <p>5 to make sure we were all on the same page. Thank you,</p> <p>6 Mr. Richardson.</p> <p>7 MS. HAMMETT: Anyone have anything else?</p> <p>8 MR. GILLUM: No. This is Randolph Gillum. I</p> <p>9 haven't got any questions.</p> <p>10 MR. GARRETT: Brett Garrett doesn't have</p> <p>11 anything.</p> <p>12 MS. HAMMETT: Okay. This is Katie. I'm just</p> <p>13 going to ask one more question.</p> <p>14 FURTHER REDIRECT EXAMINATION</p> <p>15 BY MS. HAMMETT:</p> <p>16 Q Mr. Richardson, is there anything else that's</p> <p>17 pertinent that we haven't discussed or somebody hasn't</p> <p>18 asked you that you feel like would help the jury understand</p> <p>19 what happened?</p> <p>20 A I don't think so. It sounds to me like we've</p> <p>21 covered it very well from what I have seen.</p> <p>22 MS. HAMMETT: Okay, guys. Stay on the phone and</p> <p>23 we'll go off the record.</p> <p>24 THE VIDEOGRAPHER: Off the record.</p> <p>25 (Deposition concluded.)</p>	<p>1 REPORTER'S DEPOSITION CERTIFICATE</p> <p>2 STATE OF FLORIDA )</p> <p>3 COUNTY OF LEON )</p> <p>4 I, LORI DEZELL, Registered Professional Reporter,</p> <p>5 certify that the foregoing proceedings were taken before me</p> <p>6 at the time and place therein designated; that my shorthand</p> <p>7 notes were thereafter translated under my supervision; and</p> <p>8 the foregoing pages numbered 1 through 45 are a true and</p> <p>9 correct record of the aforesaid proceedings.</p> <p>10 I further certify that I am not a relative,</p> <p>11 employee, attorney or counsel of any of the parties, nor am</p> <p>12 I a relative or employee of any of the parties' attorney or</p> <p>13 counsel connected with the action, nor am I financially</p> <p>14 interested in the action.</p> <p>15 DATED this 19th day of April, 2006.</p> <p>16</p> <p>17</p> <p>18 LORI DEZELL, RPR, CCR</p> <p>19 Notary Public</p> <p>20 1-800-934-9090</p> <p>21 850-878-2221</p> <p>22 Georgia Certification No. B-1013</p> <p>23</p> <p>24</p> <p>25</p>